

## REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1, 2, 4, 6 through 13, 15 through 17, and 22 are pending, with Claims 1, 9, and 22 being independent. Claims 1, 2, 6 through 12, 15 through 17, and 22 have been amended.

Claims 1, 2, 4, 6 through 13, 15 through 17, and 22 were variously rejected under 35 U.S.C. §103 over U.S. Patent No. 5,949,955 (Nakai) in view of U.S. Patent No. 5,687,160 (Aotake, et al.) and U.S. Patent No. 5,751,887 (Nitta, et al.), with Aotake, et al. being newly-cited. All rejections are respectfully traversed.

Claim 1 recites, *inter alia*, instructing a reproduction start of the contents independently of a selecting operation, wherein, in response to the selecting operation while causing the display means to display the plurality of representative images, the reproducing means reproduces a part of the moving image data of the contents concerning the selected representative image and writes the part of the moving image data in the memory and the reproduction processing means does *not* effect reading out the written part of the image data from the memory (and in response to the reproduction start instruction, starting readout of the part of the moving image data from the memory).

Claim 9 recites, *inter alia*, instructing reproduction start independently of a selecting operation, with controlling when the menu screen (including a plurality of representative images) is being displayed by the displaying means so that the reproducing means reproduces a part of the moving image data of the contents concerning each of the plurality of representative images displayed on the menu screen and writes the part in the memory, wherein in response to the reproduction start instruction, reading out and outputting the part of the moving image data of the contents concerning the selected representative image.

Claim 22 recites, *inter alia*, instructing reproduction start independently of a selecting operation, with controlling when the menu screen (including a plurality of representative images) is being displayed by the displaying means so that the reproducing means reproduces the moving image data of a predetermined amount from each of the plurality of predetermined reproduction start positions and writes the moving image data in the memory, wherein in response to the reproduction start instruction, starting to read out the stored moving image data at the reproduction start position corresponding to the selected representative image.

However, Applicant respectfully submits that none of Nakai, Aotake, et al., and Nitta, et al., even in the proposed combinations, assuming, *arguendo*, that the documents could be combined, discloses or suggests at least the above-discussed claimed features as recited, *inter alia*, in Claims 1, 9, and 22. Applicant respectfully submits that Nakai shows, e.g., displaying title information, chapter information, etc. (Figs. 60A, 60B, etc.), and that upon start of reproduction, a menu screen is displayed to select a reproduction condition such as a contents title, and reproduction follows the selection (e.g., col. 35), i.e., upon selection of the reproduction conditions, the reproduction process is effected to decode reproduced video data. Applicant respectfully submits that Aotake, et al. shows, e.g., selecting and reproducing a play item included in a selection list (e.g., Fig. 8). However, Applicant respectfully submits that even if Nakai, Aotake, et al., and Nitta, et al. could be combined, *arguendo*, the combination would be silent at least as regards the above-discussed claimed features as recited, *inter alia*, in Claims 1, 9, and 22.

Applicant further submits that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at such claimed features. By means of such features, Applicant respectfully submits that, for example,

since the part of the moving image data of selected contents can be read out from the memory when a reproduction start instruction is provided to the contents corresponding to the selected representative image, reproduced moving image data may be output without delay as compared with reproduction from the recording medium. Of course, the claims are not limited to the foregoing or to the disclosed embodiments.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

#### REQUEST FOR ENTRY OF AMENDMENT

This Amendment After Final Rejection is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. Furthermore, Applicant respectfully submits that a full appreciation of these amendments will not require undue time or effort given the Examiner's familiarity with this application. Moreover, this Amendment was not earlier presented because Applicant earnestly believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment under 37 C.F.R. § 1.116 is respectfully requested.

#### CONCLUSION

Applicant submits that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should to be directed to our below listed address.

Respectfully submitted,

/Daniel S. Glueck/  
Daniel S. Glueck  
Attorney for Applicant  
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200  
DSG/ijr

FCHS\_WS 2026628v1